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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent No.: 5,664,566 (~~0830~~ 08316422)

Issued: September 9, 1997

Inventors: McDonald, et al.

Title: QUICK-DONNING FULL FACE OXYGEN MASK WITH
INFLATABLE HARNESS AND SOFT FOLDABLE LENS

Assignee: Puritan-Bennett Corporation

DECLARATION OF MICHEL G.J.C. BARDEL

Michel G.J.C. Bardel hereby declares:

1.

My name is Michel Georges Jean Clement Bardel. I am fifty-three years old and am competent to make this Declaration.

2.

I am an engineer graduated in 1970 from the Ecole Nationale des Arts et Metiers in Paris, France. I specialized in aeronautics at the Ecole Speciale des Travaux Aeronautiques in Orsay, France from 1970-71 and was employed as a research engineer in the Helicopter Research Section of the French Air Force during 1971-72. I joined Aerospatiale, now Eurocopter, in 1972 as a manufacturing engineer in charge of assembly and ground testing of a new prototype of helicopter, the Dolphin, which later was purchased by the U.S. Coast Guard. Thereafter, in 1976, I accepted a position as project manager with the Oxygen and Life Support Department of Intertechnique, where I remain employed today. I am the president of the



European Chapter of SAFE (Survival and Flight Equipment), a well-known U.S.-based organization dealing with aerospace safety equipment, and am a member of the Society of Automotive Engineers (SAE) and active on its A10 committee involved in standardizing oxygen equipment.

3.

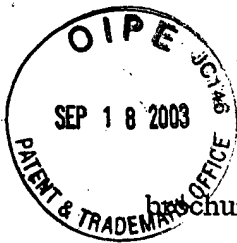
Thus, since the 1970s, I have been actively involved in development of oxygen equipment including masks and regulators for military and civilian aircrews and passengers. Some developments in which I participated were carried out for the U.S. Air Force in close cooperation with American companies including Scott Aviation in Buffalo, New York. I am named as the sole or a co-inventor on numerous patents, including U.S. Patent Nos. 5,913,307, 5,944,284, and 6,021,519.

4.

I make this Declaration in connection with a Request for Reexamination of claims of the above-referenced patent. I am informed and believe that, pursuant to Section 2205 of the Manual of Patent Examining Procedure, declarations relating to prior art documents may be considered during reexamination proceedings "to explain the contents or pertinent dates [of prior art references] in more detail." I thus submit this Declaration for this purpose.

5.

In particular, attached as Exhibit G to the Request for Reexamination is a true and correct copy of a brochure for the MCU-2/P "chemical and biological protective mask," with which I am familiar. The reverse of the brochure bears the notation "10/83" adjacent the phrase "Printed in USA," indicating to me that the



brochure was printed in the United States in October 1983. Attached hereto as Exhibit 1 is a true and correct copy of a memorandum I received with the brochure from Joseph Contino of Scott Aviation, the manufacturer of the mask, corroborating that the mask was produced and used in the United States during the 1980s.

6.

Indeed, I personally recall the MCU-2/P mask very well. Between 1979 and 1981 I visited Scott Aviation's plant in Sierra Madre, California several times as a program manager for a Chemical Defense Regulator. The regulator was being designed by my company, Intertechnique, to equip a protective helmet designed by Scott Aviation under a contract with the U.S. Air Force, and I had the opportunity to visit the plant's molding shop to witness molding of the MCU-2/P mask to which a regulator would be attached. I have tried one myself and was given a sample of the mask to take back with me to France for demonstration to my team. This sample I was provided had a lens and a face seal molded from the same silicone material, similar to what is shown in Exhibit G to the Request for Recexamination. Moreover, during the same visit, I was shown a cylindrical leather-like pouch designed to attach to the wearer's belt. Because the MCU-2/P mask (including its lens and face seal) was flexible, it could be rolled into this pouch for storage in the small pouch on the wearer's belt. The flexible face seal of the MCU-2/P mask also permitted it to conform to the wearer's face.



7.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

This 12th day of July, 2001.

Michel G.J.C. Bardel